

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Randolph D. v. Commissioner of Social Security

Randolph D. · No. 23-CV-1021-FPG · Decided December 11, 2025

SUMMARY

The United States District Court for the Western District of New York granted Plaintiff Randolph D.’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a remand and subsequent award of Social Security benefits. The court awarded counsel \$38,471.25, representing 25% of the past-due benefits, and directed counsel to remit the previously awarded \$9,195.81 in Equal Access to Justice Act fees to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Western District of New York
JURISDICTION	United States District Court for the Western District of New York
DECIDED	December 11, 2025
DOCKET	23-CV-1021-FPG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an award of attorney's fees under 42 U.S.C. § 406(b) after obtaining a remand and subsequently receiving an award of Social Security benefits.
STANDARD OF REVIEW	The court independently reviewed the contingent-fee request to determine whether the requested fee was reasonable under 42 U.S.C. § 406(b), subject to the statutory 25 percent cap.
PRECEDENTIAL VALUE	unpublished
PARTIES	Randolph D. v. Commissioner of Social Security

TOPICS

- judicial review of agency action
- administrative law
- remedies

PRACTICE AREAS

- Social Security
- administrative law
- attorney's fees

QUESTIONS PRESENTED

1. Whether counsel's requested fee of \$38,471.25 under 42 U.S.C. § 406(b) was within the statutory cap and reasonable for the representation provided.
2. Whether counsel was required to remit the previously awarded EAJA fees to Plaintiff after receiving the § 406(b) fee.

HOLDINGS

1. The requested \$38,471.25 fee was permissible because it represented 25 percent of Plaintiff's past-due benefits and was reasonable in light of the character and results of the representation, the absence of unreasonable delay, and the effective hourly rate.
2. After receiving the § 406(b) fee, counsel must remit the \$9,195.81 EAJA fee to Plaintiff.

KEY QUOTATIONS

“Within the 25% boundary, “the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.”” (Discussion)

“After counsel receives the § 406(b) fee, counsel must remit the \$9,195.81 EAJA fee to Plaintiff.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff obtained a remand of his Social Security disability-benefits claim after counsel filed a motion for judgment on the pleadings. On remand, the SSA awarded Plaintiff benefits, from which \$38,471.25 was withheld for potential attorney's fees. Counsel spent 38.7 hours on the appeal and had previously received \$9,195.81 in EAJA fees.

PROCEDURAL HISTORY

Plaintiff appealed the Social Security Administration's denial of disability benefits. In October 2024, the Court granted in part Plaintiff's motion for judgment on the pleadings and remanded for further proceedings. After the SSA issued a Notice of Award granting benefits and the Court awarded counsel \$9,195.81 under the Equal Access to Justice Act, Plaintiff moved for \$38,471.25 in fees under 42 U.S.C. § 406(b).

DISPOSITION

other

CASES CITED

- *Abbey v. Berryhill*, No. 6:17-CV-06430-MAT, 2019 WL 336572, at *2 (W.D.N.Y. Jan. 28, 2019)
- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002)
- *Fields v. Kijakazi*, 24 F.4th 845 (2d Cir. 2022)
- *McDonald v. Comm’r of Soc. Sec.*, No. 16-CV-926, 2019 WL 1375084, at *2 (W.D.N.Y. Mar. 27, 2019)

- *Torres v. Colvin*, No. 11-CV-5309, 2014 WL 909765, at *4 (S.D.N.Y. Mar. 6, 2014)
- *Morrison v. Saul*, No. 16-CV-4168, 2019 WL 6915954, at *3 (S.D.N.Y. Dec. 19, 2019)

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